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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,165	12/02/2003	Vladimir Kobelev	HN 1007 PUS	4127

7590

11/30/2004

Robert P. Renke
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EXAMINER

SCHWARTZ, CHRISTOPHER P

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/726,165

Applicant(s)

KOBELV, VLADIMIR

Examiner

Christopher P. Schwartz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

CHRISTOPHER P. SCHWARTZ
PRIMARY EXAMINER

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement has been received and considered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3,4,9,10 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 3-4 it is unclear from this language how many rods applicant intends to claim. What is the difference between the "several rods" and "a number of rods"? What is the difference between the rods claimed in claims 3 and 4 and those claimed in claims 1 and 2?

Regarding claims 9,10 it is unclear exactly what applicant means by "central symmetrical".

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6,9,10,19-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Leonard 4,591,136.

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Regarding claims 1 and 2 Leonard '136 discloses a torsion spring assembly comprising 13 rods ($3 \times 4 + 1 = 13$) of the required shape.

Regarding claims 3 and 4, subject to the 112 above, and as broadly claimed, these requirements are met.

Regarding claims 5 and 6, as can be seen in the drawings, these requirements are met.

Regarding claims 9,10, as best understood, and as broadly claimed these requirements are met as can be seen from the drawings.

Regarding claims 19-22 as broadly claimed, note the screws 20,34 in the clamping arrangement of Leonard allow the rods to be fixed against relative axial movement but also are capable of allowing axial movement by loosening of the screws at either end.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 7,8,17,18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leonard '136 in view of Klepp.

Although Leonard '136 in col 10 lines 25-38 states other shapes may be used for the rods lacking is a statement that circular or round rods can be used.

Klepp teaches a similar device to that of Leonard and states in col 1 line 51 that a number of different shapes for the rods can be used including round ones.

It would have been obvious to have used round rods in the device of Leonard, as taught by Klepp, simply dependent upon the particular application for the spring assembly or the particular type of vehicle.

Regarding claims 17,18 to have used a constant cross section clamping arrangement in Leonard, as broadly claimed, would have been obvious as application specific and as taught generally by Klepp in figure 1.

8. Claims 11,12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leonard '136.

Regarding claims 11 and 12 Leonard states in col 10 around line 25 that the number of rods can be altered. It would have been obvious to have used the claimed number of rods by applicant in the device of Leonard dependent upon the spring characteristics desired

9. Claims 12,13 rejected under 35 U.S.C. 103(a) as being unpatentable over Leonard '136 in view of Tang et al. Or Hart et al. Or Hein.

Regarding claims 12,13 it is notoriously well known to provide coatings or layers on elements that are subjected to friction to reduce wear or to offer protection against corrosion due to environmental exposure.

Therefore it would have been obvious to have provided the rods of Leonard with such a layer or coating, as taught by either Tang et al. or Hart et al. or Hein for at least one of these reasons.

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10. Claims 15,16 rejected under 35 U.S.C. 103(a) as being unpatentable over Leonard '136 in view of Slocum or Ponslet et al. or Simons or German patent 1,856,795.

Regarding claims 15,16 Leonard lacks casting the rods in a matrix body.

However it is well known in the art to do this either to secure the rods together (in which relative movement is still permitted or will be permitted over time, if only minute – see the German document fig 2) or to surround them with damping layers (see Slocum figs 9 and 18) to provide a certain level of damping due to frictional movement between the layers or to reduce noise as they slide or move with respect to one another.

To have provided the rods of Leonard '136 with such a “matrix” would have been obvious for at least one of the reasons above and as taught by the prior art.

Conclusion

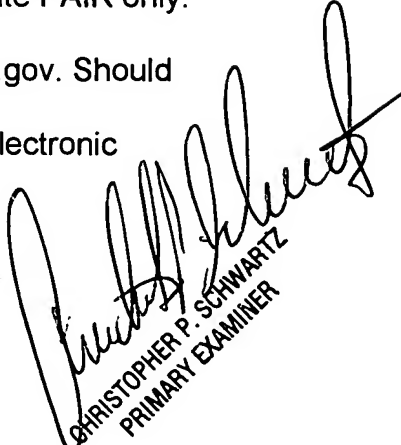
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher P. Schwartz whose telephone number is 703-308-0576. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack W. Lavinder can be reached on 703-308-3421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cps
11/24/04



CHRISTOPHER P. SCHWARTZ
PRIMARY EXAMINER